


Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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PCT/CH2003/000061


Applicant's or agent's file reference MU 880-P/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000061	International filing date (day/month/year) 27 January 2003 (27.01.2003)	Priority date (day/month/year) 04 November 2002 (04.11.2002)
International Patent Classification (IPC) or national classification and IPC B02B 3/04		
Applicant BÜHLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 25 March 2004 (25.03.2004)	Date of completion of this report 11 February 2005 (11.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000061

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-4, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages 1-10, filed with the letter of 16 December 2004 (16.12.2004)

☒ the drawings:

pages 1/3-3/3, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CH 03/00061

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-5, 10	YES
	Claims	1, 2, 6-9	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

1. Prior art

This report refers to the following search report citations as indicated below; the numbering will be retained throughout the procedure:

D1: US 3 476 326 A
D2: US 4 583 455 A
D3: EP 0 335 925 B
D4: US 4 581 798 A
D5: US 862 975 A.

2. Claim 1 (Novelty)

D1 describes a method of husking and degerminating cereals and the like, in particular grains of maize, wherein the grains are first cleaned and wherein the grains are degerminated immediately or following surface moistening (column 1, lines 50-63, "the maize pretreated by moistening is initially subject to a decortivating step"; in D1 the degerminating is done **after** a surface moistening and thus "immediately or after a surface moistening").
D1, then, has all the features of claim 1, and so the

subject matter of the latter is not novel (PCT Article 33(2)).

3. Dependent claims 2-5

The additional features of dependent claim 2 are also known from D1 and therefore do not contribute to novelty either.

The additional features of dependent claim 3 relate to the application of the claimed method to a device for husking and degerminating, said device having a mill with projecting parts.

Such a device is known from D2.

Therefore, a combination of these features with those of claims 1 or 2 does not appear apt to justify an inventive step (PCT Article 33(3)).

The additional features of claim 4, "aspiration of the grains of maize", are known from D3 as purely routine for a person skilled in the art.

Therefore, a combination of these features with those of claim 1 does not appear apt to justify an inventive step (PCT Article 33(3)).

The additional features of dependent claim 5 with the teaching of carrying out the comminution without intermediate screening between comminution steps are also known from D3.

Therefore, a combination of these features with those of claim 4 does not appear apt to justify an inventive step (PCT Article 33(3)).

4. Claim 6 (Novelty)

Since the features of the device according to the preamble of claim 6 are known to a person skilled in the art as ordinary structural measures, and since the invention of D4 relates to a rotor of such a device, D4 as formulated does not explicitly describe these features. However, for a person skilled in the art they are implicit (see for example D5, fig. 1 and 2).

In addition, D4 describes a rotor consisting of a hollow shaft (20) that is surrounded in the processing zone by an outer mill (4), said mill (4) having at least two projecting parts (26) (fig. 3-7).

Since D4 shows all the features of claim 6, the subject matter of the latter is not novel (PCT Article 33(2)).

5. Dependent claims 7-10

The additional features of dependent claims 7-9 are also known from D4 and therefore do not contribute to novelty.

The additional features of dependent claim 10, "aspiration of the grains of maize" are known from D3 as purely routine for a person skilled in the art.

Therefore, a combination of these features with those of claim 6 is not apt to justify an inventive step (PCT Article 33(3)).